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FEB 26 2007

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TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

FACSIMILE: (312) 616-5700 (G3)  
(312) 849-0495 (G4)

**FACSIMILE COVER SHEET**

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DATE: FEBRUARY 26, 2007

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): 35

OUR REFERENCE: 207596

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FROM: KENNETH P. SPINA  
REGISTRATION NO. 43,927

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To: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FACSIMILE NUMBER: 571/273-8300

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IN RE APPLN. OF: ERICKSON ET AL.  
APPLICATION No. 09/720,276  
FILED: MARCH 7, 2001  
FOR: FITNESS ASSAY AND ASSOCIATED METHODS  
GROUP ART UNIT: 1648  
EXAMINER: LE, EMILY, M.  
ATTORNEY DOCKET: 207596

**ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:**

- SUBMISSION OF NEW DECLARATION AND DUPLICATE THEFOF (4 PGS.);
  - NEW DECLARATION (12 PGS.);
  - ORIGINAL REQUEST FOR CORRECTION OF INVENTORSHIP AND SUPPORTING DOCUMENTS (18 PGS.); AND
  - FAX COVER SHEET.
- 

A confirmation copy of the transmitted document will:

Not be sent. This will be the only form of delivery of the transmitted document.

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The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

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NO. 6879 P. 2

**FEB 26 2007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 09/720,276

Applicant: John W. Erickson et al.

Filed: March 7, 2001

TC/AU: 1648

Examiner: LE, Emily M.

Docket No.: 207596 (Client Reference No. E-200-1998/O-US-02)

Customer No.: 45733

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF SUPPLEMENTAL DECLARATION**

Sir:

Submitted herewith is a supplemental declaration pursuant to 37 C.F.R. § 1.67(a). Applicants filed on September 23, 2003 a request for correction of inventorship under 37 C.F.R. § 1.48(a) to add Arun Ghosh as an inventor in the above-captioned patent application. Along with the request were submitted a statement under 37 C.F.R. § 1.48(a)(2) by Arun Ghosh, written consent under 37 C.F.R. § 1.48(a)(5) of both assignees (the United States of America and the University of Illinois), and payment for the required fees. Applicants now enclose a supplemental declaration signed by all four inventors, which is believed to fulfill the requirements for correcting inventorship under 37 C.F.R. § 1.48(a). A favorable decision on Applicants' request for correction of inventorship is respectfully requested.

For the Examiner's convenience, also enclosed are copies of the request and documents submitted along with the request.

Application No. 09/720,276

Submission of Supplemental Declaration

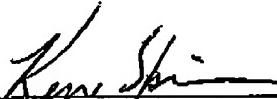
**1. Fee Payment**

- Attached is a check in the sum of \$  
 Charge Account No. 12-1216 the sum of \$ A duplicate of this transmittal is attached.

**2. Fee Deficiency**

- It is believed that there is no fee due in connection with this filing. However, the Commissioner is hereby authorized to charge any fee that may be required to Deposit Account No. 12-1216. A duplicate of this communication is enclosed for that purpose.

Respectfully submitted,



Kenneth P. Spina, Reg. No. 43,927  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: February 26, 2007

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kenneth P. Spina		
Signature		Date	February 26, 2007

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NO. 6879 P. 4

**FEB 26 2007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 09/720,276

Applicant: John W. Erickson et al.

Filed: March 7, 2001

TC/AU: 1648

Examiner: LE, Emily M.

Docket No.: 207596 (Client Reference No. E-200-1998/O-US-02)

Customer No.: 45733

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF SUPPLEMENTAL DECLARATION**

Sir:

Submitted herewith is a supplemental declaration pursuant to 37 C.F.R. § 1.67(a). Applicants filed on September 23, 2003 a request for correction of inventorship under 37 C.F.R. § 1.48(a) to add Arun Ghosh as an inventor in the above-captioned patent application. Along with the request were submitted a statement under 37 C.F.R. § 1.48(a)(2) by Arun Ghosh, written consent under 37 C.F.R. § 1.48(a)(5) of both assignees (the United States of America and the University of Illinois), and payment for the required fees. Applicants now enclose a supplemental declaration signed by all four inventors, which is believed to fulfill the requirements for correcting inventorship under 37 C.F.R. § 1.48(a). A favorable decision on Applicants' request for correction of inventorship is respectfully requested.

For the Examiner's convenience, also enclosed are copies of the request and documents submitted along with the request.

Application No. 09/720,276

Submission of Supplemental Declaration

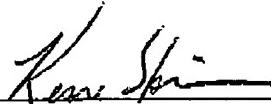
**1. Fee Payment**

- Attached is a check in the sum of \$  
 Charge Account No. 12-1216 the sum of \$ A duplicate of this transmittal is attached.

**2. Fee Deficiency**

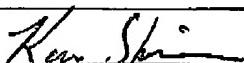
- It is believed that there is no fee due in connection with this filing. However, the Commissioner is hereby authorized to charge any fee that may be required to Deposit Account No. 12-1216. A duplicate of this communication is enclosed for that purpose.

Respectfully submitted,



Kenneth P. Spina, Reg. No. 43,927  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: February 26, 2007

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kenneth P. Spina		
Signature		Date	February 26, 2007

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NO. 6879 P. 18

FEB 26 2007

PATENT  
Attorney Docket No. 207596  
DHHS Ref. E-200-1998/0-PCT-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erickson et al.

Application No. 09/720,276

Group Art Unit: 1648

Filed: March 7, 2001

Examiner: S. Foley

Confirmation No.: 9981

For: FITNESS ASSAY AND ASSOCIATED METHODS

REQUEST FOR CORRECTION OF INVENTORSHIP OF PATENT  
APPLICATION UNDER 37 C.F.R. § 1.48(a)

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. In accordance with 37 C.F.R. § 1.48(a), Applicants hereby request that the above-captioned patent application ("present application") be amended to include Arun Ghosh as an inventor.
2. The present application is the national stage of PCT/US99/14119, filed on June 23, 1999, which claims priority to U.S. Provisional Patent Application No. 60/090,393, filed on June 23, 1998. Arun Ghosh is named as an inventor in U.S. Provisional Patent Application No. 60/090,393.
3. At the time that PCT/US99/14119 was filed, it was believed that the claims of PCT/US99/14119 did not include the contribution of Arun Ghosh.
4. At the time that the present application was filed, it was believed that the claims of the present application did not include the contribution of Arun Ghosh.

In re Appln. Erickson et al.  
U.S. Pat. App. No. 09/720,276

Since then, Applicants have become aware of information relating to Arun Ghosh's inventive contributions, which is believed to warrant his inclusion as an inventor in the present application.

5. Pursuant to 37 C.F.R. § 1.48(a), further submitted herewith are:

(a) Statement Under 37 C.F.R. § 1.48(a)(2) by Arun Ghosh;

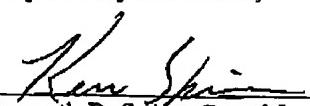
(b) Combined Declaration and Power of Attorney signed by Arun Ghosh;

(c) Written Consent of Assignee Under 37 C.F.R. § 1.48(a)(5), by the Government of the United States of America as represented by the Secretary, Department of Health and Human Services, along with a general delegation of authority; and

(d) Written Consent of Assignee Under 37 C.F.R. § 1.48(a)(5), by the Board of Trustees of the University of Illinois, along with a copy of an assignment, executed on August 20, 2003, conveying Arun Ghosh's rights in the present application to the Board of Trustees of the University of Illinois.

6. Please charge Deposit Account No. 12-1216 for the processing fee of \$130.00 required by 37 C.F.R. § 1.17(i). A duplicate copy of this Request is enclosed for this purpose.

Respectfully submitted,

  
Kenneth P. Spina, Reg. No. 43,927  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, IL 60601-6780  
(312) 616-5600 (telephone)

Date: September 26, 2003

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NO. 6879 P. 20

In re Appln. Erickson et al.  
U.S. Pat. App. No. 09/720,276

CERTIFICATE OF MAILING

I hereby certify that the attached Request For Correction of Inventorship of Patent Application Under 37 C.F.R. § 1.48(a), including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 26, 2003

Ellen K. Manl

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NO. 6879 P. 21

FEB 26 2007

PATENT  
Attorney Docket No. 207596  
DHHS Ref. No. E-200-1998/0-PCT-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erickson et al.

Group Art Unit: 1648

Application No. 09/720,276

Examiner: S. Foley

Filed: March 7, 2001

Confirmation No.: 9981

For: FITNESS ASSAY AND ASSOCIATED METHODS

STATEMENT UNDER 37 C.F.R. § 1.48(a)(2)

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I understand that I am to be named a joint inventor of the above-identified patent application. The error in inventorship occurred without any deceptive intention on my part.

Arun K. Ghosh  
Arun K. Ghosh

Date: August 20, 2003

**PATENT**  
 Attorney Docket No. 207596  
 DHHS Ref. No. E-200-1998/0-PCT-03

**COMBINED DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION  
AND POWER OF ATTORNEY**

- Declaration Submitted with Initial Filing                    OR  
 Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FITNESS ASSAY AND ASSOCIATED METHODS**

the specification of which:

- is attached hereto.  
 was filed on December 21, 2000 as Application No. 09/720,276 and was amended on December 21, 2000.  
 was filed by Express Mail No.                    as Application No. not known yet, and was amended on (if applicable).  
 was filed on                    as PCT International Application No. PCT/                    and was amended on (if any).

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, utility model, design registration, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed		Certified Copy Attached?	
			YES	NO	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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NO. 6879 P. 23

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

FEB 26 2007

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day, month, year)
60/090,393	June 23, 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. BENEFIT CLAIMED UNDER 35 USC 120					
U.S. PATENT APPLICATIONS		Status (Check one)			
U.S. APPLICATION NO.	DATE OF U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.					
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S. BENEFIT CLAIMED UNDER 35 USC 120					
PCT APPLICATION NO.	DATE OF FILING (day, month, year)	PATENTED	PENDING	ABANDONED	
4. PCT/US99/14119	June 23, 1999		X		
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY IS CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S. PATENT APPLICATIONS				
ABOVE APPLICATION NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day/month/year)	DATE OF ISSUE (day/month/year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appn. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint the National Institutes of Health, Office of Technology Transfer, 6011 Executive Blvd., Ste. 325, Rockville, Maryland 20852-3804, Telephone (301) 496-7056, as Principal Attorneys and to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith: Customer Number 05318.

05318

Please recognize Leydig, Voit, & Mayer, Ltd. as Associate Attorneys in this case: Customer Number 23460.

23460

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.

23460

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of joint inventor: Arun K. Ghosh

Inventor's signature Arun C. Ghosh

Date August 20, 2003

Country of Citizenship: US

Residence: River Forest, Illinois  
(city/state or country)

Post Office Address: 1407 Clinton Place, River Forest, Illinois 60305  
(complete mailing address)

PATENT  
Attorney Docket No. 207596  
DHHS Ref. No. E-200-1998/0-PCT-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Erickson et al.

Serial No. 09/720,276

Group Art Unit: 1648

Filed: March 7, 2001

Examiner: S. Foley

Confirmation No.: 9981

For: FITNESS ASSAY AND ASSOCIATED METHODS

**WRITTEN CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

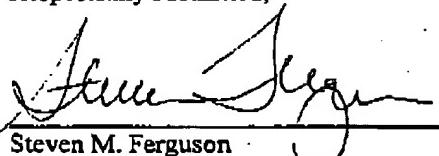
Dear Sir:

The Government of the United States of America as represented by the Secretary, Department of Health and Human Services (hereinafter referred to as Assignee), is an assignee of the above-identified patent application. An assignment from the inventors to the Assignee was recorded at the United States Patent and Trademark Office on reel 011613, frame 0745. Assignee hereby consents to the addition of Arun Ghosh as an inventor in the above-identified patent application.

The authority of the undersigned to execute this document on behalf of the Assignee is set forth in the accompanying delegation of authority.

In re Appln. Erickson et al.  
U.S. Pat. App. No. 09/720,276

Respectfully submitted,



Date:

9/16/03

Steven M. Ferguson  
Director, Division of Technology Development and Transfer  
NIH Office of Technology Transfer  
6011 Executive Boulevard, Suite 325  
Rockville, MD 20852  
US



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Public Health Service  
National Institutes of HealthOffice of Technology Transfer  
National Institutes of Health  
6011 Executive Boulevard  
Rockville, MD 20852

February 10, 2003

Nicholas P. Godici  
Commissioner for Patents  
U.S. Patent and Trademark Office (USPTO)  
2121 Crystal Drive  
Crystal Plaza #2 - Suite 906  
Arlington, Virginia 22202

## Re: Delegation of Authority for Certain Patent Administration and Prosecution Activities

Dear Sir:

Effective this date and acting under the authority set forth in DHHS Secretary Louis W. Sullivan's May 21, 1991 memorandum appearing in the Friday, June 7, 1991 Federal Register Notices at Volume 56, Number 110, pages 26418-26419 (copy attached), I authorize

Berkley, Dale (Reg. No. 42,319);  
Dixon, Jonathan V. (Reg. No. 47,229);  
Ferguson, Steven (Reg. No. 38,488);  
Finley, Stephen (Reg. No. 36,357);  
Haight, James C. (Reg. No. 25,588);  
Joyce, Catherine M. (Reg. No. 40,668);  
Kim, John Peter (Reg. No. 38,514);  
Pontzer, Norbert (Reg. No. 40,777);  
Rodriguez, Richard U. (Reg. No. 45,980);  
Rucker, Susan S. (Reg. No. 35,762);  
Sadowski, David R. (Reg. No. 32,808);  
Shinn, Marlene (Reg. No. 46,005);  
Shmilovich, Michael A. (Reg. No. 45,634); and,  
Spiegel, Jack (Reg. No. 34,477)

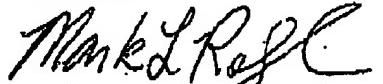
to exercise full authority in United States or International patents or patent applications in which the Government of the United States of America, as represented by the Secretary, Department of Health and Human Services, is an applicant or has an ownership interest with respect to the following:

- Signing original, associate, or substitute powers of attorney before the U.S. or International Authorities;
- Signing Request Forms, Demand Forms, and other documents filed in applications before the International Authorities;
- Signing assignee's consent to changes in inventorship;

Page 2: Delegation of Authority for Certain Patent Administration and Prosecution Activities

- Signing papers required from an assignee in connection with an application for Re-issue and/or Re-examination of a patent;
- Signing terminal disclaimers including, but not limited to, terminal disclaimers to obviate obviousness-type double patenting rejections; and,
- Signing all documents before the USPTO, either as the U.S. National Office or as a designated Receiving Office under the Patent Cooperation Treaty that can be signed by an assignee in patent matters.

Sincerely,



Mark L. Rohrbaugh, Ph.D., J.D.  
Director  
(Reg. No. 43,055)

Attachment

cc:  
OTT Staff

Citation  
56 FR 26418-02  
1991 WL 300166 (F.R.)  
[Cite as: 56 FR 26418]

Found Document

Rank 1 of 2

Page 1  
Database  
FR

## NOTICES

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Office of the Secretary

## Office of the General Counsel, Statement of Organization, Functions and Delegations of Authority

Friday, June 7, 1991

56418 Part A, chapter AG (Office of the General Counsel, Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (38 FR 27033, June 20, 1973), as amended most recently in pertinent part at 53 FR 17600, April 25, 1989, and part H, chapter HM (National Institutes of Health, Public Health Service) (40 FR 22859, May 27, 1975, as amended most recently in pertinent part at 55 FR 35366, August 29, 1990), are amended as follows:

(1) Delete the Department Patent Officer (AG.35) and transfer patent administration and prosecution responsibilities from this Officer to the Office of Technology Transfer (HNA432), Office of Intramural Affairs (HNA93), Office of Health (HN), Public Health Service (PH), Patent Administration and prosecution activities will be consolidated with patent licensing functions within a single NIH organizational entity in order to improve program and resource management.

(2) Retain patent legal services of the Department Patent Officer (AG.35) in the Public Health Division (AG.22.6), Office of the General Counsel, Office of the Secretary, and update the functional statement for the Public Health Division to reflect its responsibilities more accurately.

## Office of the Secretary

Under Chapter AG, Office of the General Counsel, Sections AG.35 (Department Patent Officer) and AG.22.6 (Public Health Division), delete the titles and statements in their entirety and substitute the following:

Public Health Division (AG.22.6). The Public Health Division shall provide legal services, including patent legal services, for programs administered by the Public Health Service (except the Food and Drug Administration), e.g., the Office of the Assistant Secretary for Health, and the agencies and offices of the Public Health Service (other than FDA), including the Office of Technology Transfer and the Patent Policy Board.

## Public Health Service

Copy. © West 2003 No Claim to Orig. U.S. Govt. Works

56 FR 26418-02  
(Item no: 56 FR 26418, \*26418)

Page 2

Under Chapter HN, National Institutes of Health, Section HNA, Office of the Director, Office of Intramural Affairs (HNA43), add the following title and statement:

Office of Technology Transfer (HNA432). (1) Develops policy and procedure for NIH, ADAMHA, and CDC to follow for the implementation of Cooperative Research and Development Agreements (CRADAs), patent licenses, and other technology transfers; (2) implements Patent Policy Board decisions and policies; (3) drafts, negotiates, and periodically revises model forms and agreements; (4) provides advice to JCDs on problem licenses and agreements; (5) develops policy statements on various technology transfer issues such as conflicts of interest; (6) tracks the OIT budget and prepares an annual status report to the NIH Office of the Director; (7) provides coordination and management of goals, functions, and operations of the Technology Management Branch, Technology Licensing Branch, and the Technology Transfer Coordination Branch; (8) coordinates and provides planning and liaison support for \*26419 international CRADAs and technology transfers; (9) creates and implements special programs relating to technology transfer by state and local governments and universities; (10) drafts and presents Congressional testimony, and draft technology transfer-related responses to other Congressional inquiries; (11) provides operational management activities; (12) assists the Office of the General Counsel (OGC) in evaluating patent-related litigation matters; (13) in consultation with OGC and the involved agency component, as appropriate, negotiates settlements on contested matters with licensees or other parties involved with NIH, ADAMHA, and CDC in technology transfer or utilization matters; (14) represents the NIH, ADAMHA, and CDC in technology transfer or utilization matters; (15) represents the above agencies at a variety of professional conferences and other public fora; (16) investigates special issues; (17) evaluates the need for and develops new programs in technology management and technology transfer for the above agencies; (18) develops licensing strategies for NIH/ADAMHA/CDC intramural and CRADA inventions; (19) negotiates licenses and other technology transfers; (20) works with scientific inventors, contract attorneys and others in preparing patent applications and prosecuting these applications at the Patent Office level; (21) handles infringements in consultation with the OGC at the Patent Office level; and (22) makes recommendations to the OIT for referral of matters to the Department of Justice.

Dated: May 21, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-13423 Filed 6-6-91; 8:45 am]

BT/1150-CODE 4150-04-M

56 FR 26418-02, 1991 WL 300166 (E.R.)  
END OF DOCUMENT

Cope, G. West 2003 No Claim to Orig. U.S. Govt. Works.

25418

## Federal Register / Vol. 56, No. 110 / Friday, June 7, 1991 / Notices

**F.H.B. Corporation, et al.: Acquisitions of Companies Engaged in Permissible Nonbanking Activities**

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1643(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that fall into § 225.23 of Regulation Y so closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether construction of the proposal can "reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, distortion or unfair competition, conflicts of interests, or unusual banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are to dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be displeased by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than June 26, 1991.

A. **Federal Reserve Bank of Cleveland** (John J. Winkler, Jr., Vice President) 1025 East Sixth Street, Cleveland, Ohio 44101:

**I.P.N.B. Corporation, Hermitage, Pennsylvania** to acquire Regency Consumer Discount Company, Inc., Scranton, Pennsylvania, and thereby engage in making and acquiring consumer finance loans pursuant to § 225.25(b)(5); and in the sale of credit life, accident, and health insurance pursuant to § 225.25(b)(5) of the Board's Regulation Y.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 1004 Marietta Street NW, Atlanta, Georgia 30303:

**I. Evergreen Bancshares, Inc.**, Tallahassee, Florida to establish Evergreen Federal Interim Savings Bank, Tallahassee, Florida (Interim Bank), to acquire certain assets and assume certain liabilities of the Tallahassee, Florida branch office of Anchor Savings Bank, FSB, Howlett, New York, pursuant to section 4(c)(8) of the Bank Holding Company Act and the Doker Amendment of FIRREA, and to facilitate the merger of Interim Bank with and into Evergreen's subsidiary bank, Guaranty National Bank of Tallahassee, Tallahassee, Florida.

**2. First State Corporation**, Albany, Georgia to acquire Randolph Federal Savings & Loan Association, Cathcart, Georgia (Randolph Federal), pursuant to section 4(c)(8) of the Bank Holding Company Act. Application also proposes to merge Randolph Federal with and into its bank subsidiary, First State Bank & Trust Company, Albany, Georgia, pursuant to the Doker Amendment of FIRREA.

Board of Governors of the Federal Reserve System, June 1, 1991.  
James J. Johnson  
Associate Secretary of the Board  
(FR Doc 91-1347 Filed 6-5-91 OMB Doc 91-1347)

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Office of the Secretary**

**Office of the General Counsel**: Statement of Organization, Functions, and Delegations of Authority

Part A: Chapter AC (Office of the General Counsel, Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (30 FR 17032, June 21, 1975, as amended most recently in pertinent part of 32 FR 17880, April 25, 1967), and part H, Chapter MN (National Institute of Health, Public Health Service) (30 FR 22252, May 27, 1975, as amended most recently in pertinent part of 32 FR 3326a, August 25, 1967), are amended as follows:

- (1) Delete the Departmental Patent Officer (AC-15) and transfer patent administration and prosecution responsibilities from this Office to the Office of Technology Transfer (HNA432), Office of Intramural Affairs (HNA43), Office of Intramural Research (HNA4), Office of the Director (HNA1).

National Institutes of Health (NIH), Public Health Service (PHS). Patent administration and prosecution activities will be consolidated with patent licensing functions within a single NIH organizational entity in order to improve program and resource management and

(2) Retain patent legal services of the Departmental Patent Officer (AC-15) in the Public Health Division (AC-22-8), Office of the General Counsel, Office of the Secretary, and update the functional statement for the Public Health Division to reflect its responsibilities more accurately.

**Office of the Secretary**

**Under Chapter AC, Office of the General Counsel Sections AC-23 (Departmental Patent Officer) and AC-22-8 (Public Health Division)**, delete the titles and statements in their entirety and substitute the following:

**Public Health Division (AC-22-8)**. The Public Health Division shall provide legal services including patent legal services, for programs administered by the Public Health Service (except the Food and Drug Administration), e.g., the Office of the Assistant Secretary for Health, and the agencies and offices of the Public Health Service (other than FDA), including the Office of Technology Transfer and the Patent Policy Board.

**Public Health Service**

**Under Chapter MN, National Institutes of Health, Section HNA4, Office of the Director, Office of Intramural Affairs (HNA43)**, add the following title and statement:

**Office of Technology Transfer (HNA432)** (1) Develop policy and procedures for NIH, ADAMHA, and CDC to follow for the implementation of Cooperative Research and Development Agreements (CRADA), patent licenses, and other technology transfers; (2) Implement Patent Policy Board decisions and policies; (3) draft, negotiate, and periodically review model forms and agreements; (4) provide advice to CDC on patent licenses and agreements; (5) develop policy statements on various technology transfer issues such as conflict of interest; (6) track the OTT budget and prepare an annual status report to the NIH Office of the Director; (7) provide coordination and management of grants, functions, and operations of the Technology Management Branch, Technology Licensing Branch, and the Technology Transfer Coordination Branch; (8) coordinates and provides planning and liaison support for

End (1)

## Federal Register / Vol. 58, No. 110 / Friday, June 7, 1991 / Notices

26419

international CRADAs and technology transfers; (9) creates and implements special programs relating to technology transfer by State and local governments and universities; (10) drafts and presents Congressional testimony, and drafts technology transfer-related responses to other Congressional inquiries; (11) provides operational management activities; (12) assists the Office of the General Counsel (OGC) in evaluating patent-related litigation matters; (13) in consultation with OGC and the involved agency component as appropriate, negotiates settlements on contested matters with licensees or other parties involved with NIH, ADAMHA, and CDC in technology transfer or utilization matters; (14) represents the above agencies at a variety of professional conferences and other public forums; (15) investigates special issues; (16) evaluates the need for and develops new programs in technology management and technology transfer for the above agencies; (18) develops licensing strategies for NIH/ADAMHA/CDC intramural and CRADA inventions; (19) negotiates licenses and other technology transfers; (20) works with scientist inventors, contract attorneys, and others in preparing patent applications and prosecuting those applications at the Patent Office level; (21) handles litigations in consultation with the OGC at the Patent Office level and (22) makes recommendations to the OGC for referral of matters to the Department of Justice.

Dated: May 21, 1991.

Louis W. Sullivan,

Secretary.

(FR Doc. 91-12443 Filed 6-6-91; 6:15 am;  
OALDR 6/10/91 4:15pm)

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**Agency for Health Care Policy and Research; Establishment**

Pursuant to the Federal Advisory Committee Act, Public Law 92-463 (3 U.S.C. appened in 2), the Administrator, Agency for Health Care Policy and Research (AHCPR), announces the establishment of the following review committee:

**Designation: Employer-Based Health Insurance Advisory Committee.**

**Purpose:** The purpose of the Committee is to advise and make recommendations to the Secretary, HHS, and the Administrator, AHCPR, with regard to the awarding of a proposed contract designed to provide AHCPR with a comprehensive policy-oriented

report that describes the current status and problems of employer-based health insurance and evaluates options for improving, reforming or replacing this system.

**Function:** The Committee shall review and make recommendations to the Administrator on the scientific and technical merit of proposals received in response to the Request for Proposal entitled Employer-Based Health Insurance.

**Structure:** The Committee shall consist of up to three members, including the Chair, who will serve for the duration of the Committee. No member may be an officer or employee of the Federal Government. Members and Chair shall be selected by the Administrator, AHCPR, from individuals with appropriate expertise and experience in health services research, including but not limited to the areas of health economics, utilization and costs of health insurance, research evaluation and dissemination, and assessment of the impact of the dissemination of research.

Notwithstanding section 1(a)(2) of the Federal Advisory Committee Act, the Committee shall continue in existence until otherwise provided by law or upon a determination by the Administrator, AHCPR, or his delegate, that the purpose of the Committee has been accomplished.

Dated: May 31, 1991.

J. Robert Clinton,  
Administrator, Agency for Health Care Policy and Research.

(FR Doc. 91-13554 Filed 6-6-91; 6:15 am;  
OALDR 6/10/91 4:15pm)

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**Administration for Children and Families**

**Forms Submitted to the Office of Management and Budget for Clearance**

The Administration for Children and Families will publish on Friday's information collection package submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). This collection package is being submitted for expedited review in compliance with 5 CFR 1320.14.

If a copy of a package, call the FSA Report Clearance Officer 202-401-5603.)

**Plans for the Child Care and Development Block Grant Form ACF-110—NEW.**—The information contained in the Block grant plan is to determine whether the plan can be approved for

Block Grant funding, as required in section 6585(d) of the Budget Reconciliation Act and to determine if the lead agency is operating in accordance with its plan where issues of compliance arise. **Respondent:** States or local governments; **Number of Respondents:** 219; **Frequency of Response:** Biennially (after initial submission); **Average Burden per Response:** 50 hours; **Estimated Annual Burden:** 12,750 hours.

**OMB Desk Clearance Officer:** Laura Oliver.

Consideration will be given to comments and suggestions received within 10 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

**OMB Reports Management Branch, New Executive Office Building, room 3201, 725 17th Street NW, Washington, DC 20585.**

Dated: May 31, 1991.

Named D. Blank.

**Executive Administrator, Office of Management and Information Systems.**

**Draft Plan For The Child Care & Development Block Grant**

[Create] for the period \_\_\_\_\_ through \_\_\_\_\_

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**PATENT**  
Attorney Docket No. 207596  
DHHS Ref. No. E-200-1998/0-PCT-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Erickson et al.

Serial No. 09/720,276

Group Art Unit: 1648

Filed: March 7, 2001

Examiner: S. Foley

Confirmation No.: 9981

For: **FITNESS ASSAY AND ASSOCIATED METHODS**

**WRITTEN CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Board of Trustees of the University of Illinois (hereinafter referred to as Assignee) is an assignee of the above-identified patent application. An assignment, conveying the above-captioned application, from Arun K. Ghosh to the Assignee (submitted herewith) was executed on August 20, 2003. Assignee hereby consents to the addition of Arun K. Ghosh as an inventor in the above-captioned patent application.

Respectfully submitted,

Signature: Stephen K. Rugg

Date: September 11, 2003

Printed Name: Stephen K. Rugg

Position: Comptroller of the Board  
of Trustees of the University of Illinois

**PATENT**  
Attorney Docket No. 207596  
DHHS Ref. No. E-200-1998/0-PCT-03

Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza  
Suite 4900  
Chicago, Illinois 60601-6780

## ASSIGNMENT

**WHEREAS**, I, Arun K. Ghosh, of River Forest, Illinois, am a joint inventor and own an interest in a certain invention (hereinafter referred to as Invention) entitled:

### FITNESS ASSAY AND ASSOCIATED METHODS

for which Invention the following applications for a U.S. patent have been executed:

- (a) U.S. Provisional Patent Application No. 60/090,393, filed on June 23, 1998;
- (b) International Application No. PCT/US99/14119, filed on June 23, 1999, claiming priority to U.S. Provisional Patent Application No. 60/090,393; and
- (c) U.S. Patent Application No. 09/720,276, filed on December 21, 2000, which is the national stage of International Application No. PCT/US99/14119.

**WHEREAS**, the Board of Trustees of the University of Illinois (hereinafter referred to as Assignee), is desirous of acquiring my entire domestic and foreign right, title, and interest in and under the invention described in the patent applications.

**NOW, THEREFORE**, for good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I assign and transfer to the Assignee and the Assignee's legal representatives, successors and assigns my full and exclusive rights in and to the Invention, including all rights of action and damages for past infringement, in the U.S. and every foreign country and the entire right, title, and interest in and to the patent applications and other such applications (e.g., provisional applications, non-provisional applications, continuations, continuations-in-part, divisionals, reissues, reexaminations, National phase applications, including petty patent applications, and utility model applications) that may be filed in the United States and every foreign country on the invention, and the patents, extensions, or derivations thereof, both foreign and domestic, that may issue thereon, and I do hereby authorize and request the Commissioner of Patents to issue U.S. patents to the above-mentioned Assignee agreeably with the terms of this assignment document.

**I HEREBY AUTHORIZE** the Assignee to insert in this assignment document the filing date and application number of the application if the date and number are unavailable at the time this document is executed.

**UPON SAID CONSIDERATION**, I convey to the Assignee the right to make application in its own behalf for protection of the invention in the U.S. and countries foreign to the U.S. and to claim under the Patent Cooperation Treaty, the International Convention and/or other international arrangement for any such application the date of the U.S. application (or any other application on the invention) to gain priority with respect to other applications.

**I DO HEREBY COVENANT** and agree with the Assignee that I will not execute any writing or do any act whatsoever conflicting with the terms of this assignment document set

In re Appn. of Erickson  
Attorney Docket No. 207596

forth herein, and that I will at any time upon request, without further or additional consideration, but at the expense of the Assignee, execute such additional assignments and other writings and do such additional acts as the Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this assignment, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, reissued, reexamined, and National phase patents of the U.S. or of any and all foreign countries on the invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, and by executing statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of all parties hereto.

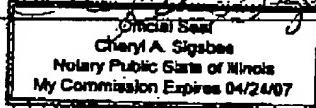
IN WITNESS WHEREOF, I have hereunder set my hand this 20<sup>th</sup> day of August, 2003.

Arun K. Ghosh  
Arun K. Ghosh August 20, 2003

STATE OF Illinois) SS:  
COUNTY OF Cook)

On this 20<sup>th</sup> day of August, 2003 before me, a Notary Public in and for said county, appeared Cheryl A. Sigsbee, who is personally known to me to be the same person whose name is subscribed to the foregoing assignment document, and acknowledged that he/she signed and delivered the document as his/her free and voluntary act for the uses and purposes therein set forth.

{SEAL}



Notary Public

My

Commission

Expires: April 24, 2007

FEB. 26. 2007 2:39PM

312 616 5700

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NO. 6879 P. 6

FEB 26 2007

PATENT  
Attorney Docket No. 207596  
DHHS Reference No. E-200-1998/0-US-02

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- original    design    supplemental  
 national stage of PCT  
 divisional    continuation    continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## FITNESS ASSAY AND ASSOCIATED METHODS

the specification of which:

- is attached hereto.  
 was filed on December 21, 2000 as Application No. 09/720,276 and was amended on November 12, 2004 (*if applicable*).  
 was filed by Express Mail No. as Application No. *not known yet*, and was amended on (*if applicable*).  
 was filed on as PCT International Application No. PCT/ and was amended pursuant to PCT Article 19 on (*if any*).

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of the application identified above in accordance with 37 CFR 1.56.

I claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS					
COUNTRY	PRIOR FOREIGN APPLICATION NO.	DATE OF FILING (day,month,year)	PRIORITY CLAIMED		
			YES		NO
			YES		NO
			YES		NO

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day,month,year)
60/090,393	23 June 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC 120					
U.S. PATENT APPLICATIONS			Status (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.					
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE (day,month,year)	U.S. APPLICATION NOS. ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
4.					
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLICATION. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	DATE OF ISSUE (day,month,year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 45733.

45733

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 45733.

45733

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: John W. Erickson

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: US

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 5406 Jefferson Boulevard, Frederick, Maryland 21703  
(complete mailing address)

Full name of second joint inventor, if any: Sergei V. Gulnik

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: Russia

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 8004 Meadowview Drive, Frederick, Maryland 21702  
(complete mailing address)

Full name of third joint inventor, if any: Hiroaki Mitsuya

Inventor's signature Hiroaki Mitsuya

Date July 12, 2006

Country of Citizenship: Japan

Residence: Chevy Chase, Maryland  
(city/state or country)

Post Office Address: 4601 North Park Avenue, Apartment 1010, Chevy Chase, Maryland 20815  
(complete mailing address)

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

Full name of fourth joint inventor, if any: Arun K. Ghosh

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship: US

Residence: River Forest, Illinois  
(city/state or country)

Post Office Address: 1407 Clinton Place, River Forest, Illinois 60305  
(complete mailing address)

FEB. 26. 2007 2:40PM

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NO. 6879 P. 10

FEB 26 2007

## PATENT

Attorney Docket No. 207596  
DHHS Reference No. E-200-1998/0-US-02

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- original  design  supplemental  
 national stage of PCT  
 divisional  continuation  continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## FITNESS ASSAY AND ASSOCIATED METHODS

the specification of which:

- is attached hereto.  
 was filed on December 21, 2000 as Application No. 09/720,276 and was amended on November 12, 2004 (*if applicable*).  
 was filed by Express Mail No. as Application No. not known yet, and was amended on (*if applicable*).  
 was filed on as PCT International Application No. PCT/ and was amended pursuant to PCT Article 19 on (*if any*).

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of the application identified above in accordance with 37 CFR 1.56.

I claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS					
COUNTRY	PRIOR FOREIGN APPLICATION NO.	DATE OF FILING (day/month/year)	PRIORITY CLAIMED		
			YES		NO
			YES		NO
			YES		NO

CR33/PCT-2/US

In re Appln. of Erickson et al.  
Attorney Docker No. 207596

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day,month/year)
60/090,393	23 June 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC 120					
U.S. PATENT APPLICATIONS		Status (check one)			
U.S. APPLICATION NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.					
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE (day,month,year)	U.S. APPLICATION NOS. ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
4.					
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLICATION NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	DATE OF ISSUE (day,month,year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 45733.

45733

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 45733.

45733

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: John W. Erickson

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship: US

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 5406 Jefferson Boulevard, Frederick, Maryland 21703  
(complete mailing address)

Full name of second joint inventor, if any: Sergei V. Gulnik

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship: Russia

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 8004 Meadowview Drive, Frederick, Maryland 21702  
(complete mailing address)

Full name of third joint inventor, if any: Hiroaki Mitsuya

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship: Japan

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(city/state or country)

Post Office Address: 4601 North Park Avenue, Apartment 1010, Chevy Chase, Maryland 20815  
(complete mailing address)

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

Full name of fourth joint inventor, if any: Arun K. Ghosh

Inventor's signature Arun K. Ghosh

Date July 17, 2006 Country of Citizenship: US

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Indiana 47906

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Attorney Docket No. 207596  
DHHS Reference No. E-200-1998/0-US-02

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- original  design  supplemental  
 national stage of PCT  
 divisional  continuation  continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FITNESS ASSAY AND ASSOCIATED METHODS**

the specification of which:

- is attached hereto.  
 was filed on December 21, 2000 as Application No. 09/720,276 and was amended on November 12, 2004 (*if applicable*).  
 was filed by Express Mail No. *as Application No. not known yet*, and was amended on *(if applicable)*.  
 was filed on *as PCT International Application No. PCT/* *and was amended pursuant to PCT Article 19 on (if any)*.

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of the application identified above in accordance with 37 CFR 1.56.

I claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS					
COUNTRY	PRIOR FOREIGN APPLICATION NO.	DATE OF FILING (day,month,year)	PRIORITY CLAIMED		
			YES		NO
			YES		NO
			YES		NO

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day,month,year)
60/090,393	23 June 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC 120					
U.S. PATENT APPLICATIONS		Status (check one)			
U.S. APPLICATION NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.					
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE (day,month,year)	U.S. APPLICATION NOS. ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
4.					
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLICATION. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	DATE OF ISSUE (day,month,year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appn. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 45733.

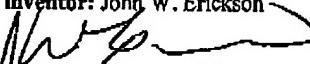
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Full name of sole or first inventor: John W. Erickson

Inventor's signature 

Date Feb 8, 2007

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Post Office Address: 5406 Jefferson Boulevard, Frederick, Maryland 21703  
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Full name of second joint inventor, if any: Sergei V. Gulnik

Inventor's signature 

Date Feb 8, 2007

Country of Citizenship: Russia

Residence: Frederick, Maryland  
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Post Office Address: 8004 Meadowview Drive, Frederick, Maryland 21702  
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Full name of third joint inventor, if any: Hiroaki Mitsuya

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: Japan

Residence: Chevy Chase, Maryland  
(city/state or country)

Post Office Address: 4601 North Park Avenue, Apartment 1010, Chevy Chase, Maryland 20815  
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In re Appln. of Erickson et al.  
Attorney Docket No. 207596

Full name of fourth joint inventor, if any: Arun K. Ghosh

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

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